

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date September 27, 1976

To P. R. Gingrow, Asst. Executive Director Dept. Maine State Retirement

From Donald G. Alexander, Deputy Dept. Attorney General

Subject Applicability of Special Allowances under Chapter 147, Private & Special Laws of 1975 to State Police Officers Retired under Special Resolve

I have reviewed the provisions of the Private and Special Laws relating to the retirement pensions of Norman F. Hanson and Earl A. Haines. Both laws clearly state that these two persons are to receive retirement at rates which include "those pay raises to which an active [officer] may become entitled from time to time." Regardless of the characterization of the increase in compensation provided in P. & S. L. 1975, c. 147, Part D, § 4, as "an appeal period allowance," the fact is this provision is an increase in compensation. If this increase in compensation is received by State Troopers, and it is, it should also be received by the above-named retirees. Similarly, if State Troopers are to receive the "transitional allowance" provided by Part D, § 5, then the above-named retirees would likewise be entitled to the transitional allowance. However, it must be emphasized that whether State Troopers are eligible for the transitional allowance is something that must be examined on a factual basis. Therefore, we express no opinion as to whether the above-named retirees should get the transitional allowance. If State Troopers or detectives receive the transitional allowance, then the above-named retirees should likewise receive the transitional allowance. The last sentence of Part D, §§ 4 and 5 to wit: "Such payment should not be considered annual earnable compensation for retirement purposes" has no bearing on this matter. The Private and Special Laws in question address directly the issue of compensation increases without regard to whether the salary increases in question count toward retirement.



DONALD G. ALEXANDER  
Deputy Attorney General

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